



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,008	12/20/2001	Jean-Marie Rennetaud	15818 US	1860

4859 7590 04/06/2004

MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

EXAMINER

TRAN, KHOA H

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,008

Applicant(s)

RENNETAUD ET AL.

Examiner

Khoa Tran

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/08/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

At the outset, it should be noted that the January 8, 2004 amendment to the specification (page 3, line 12) by adding reference numerals 16a fails to meet the amendment requirement because the changes do not show as being underlined. Care should be taken in the future in amending the specification in order to avoid non-compliance.

Drawings

The proposed drawings correction and/or the proposed substitute sheets of drawings, filed on January 08, 2004 have been approved. However, the drawings are objected to because reference characters "4" and "5" appear to designate to the same structure and reference characters "16", "16a", and "17" are now appear to designate to the same structure. See Figure 1. Further, reference numeral "9" is missing a lead line that connects to the part to which it refers. Correction is required.

Specification

The disclosure is objected to because of the following informalities:

On page 3, lines 34, the statement that connector 9 has a C-profile is incorrect since bracket "8" referenced in Figure 1 is showing as having a C-profile. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Bonar. Anderson discloses a door suspension system comprising a rail support (32) attaches to a door frame (34) and locates above a doorway opening, the rail support having a plate attaches to an elongated rail that has a substantially cylindrical body (28) and a web (30) attached therewith, the rail support attaches to the elongated rail by connectors (66 and 62) that has a substantially C-profile bushing (62) embracing the rail support, the elongated rail is mounted to a cylindrical shaped bearing (74) that positions in an opening of a support block (76), at least two brackets (38, 44) each having a connector of a support piece extending perpendicular to the bracket and connected to a rigid plate of the mounting block, the bracket with the support piece is attached to a door (16) by a connector (78). The door system of Anderson is not driven by an electro magnetic linear motor. However, Bonar teaches a sliding door opens by an electro magnetic linear motor. Bonar teaches a support piece (31) having a connecting means (33) connecting to a door (32) and a groove on a support piece that supports an elongated magnetic way (69) and a primary (66, 67) of a linear motor thereon. See Figures 4 and 10. (Note that Bonar teach a load bearing header that has a linear motor (65) therein and it's driven by electricity source

and magnet (69) with no moving parts to reduce sound and lower service requirements. See column 3, lines 32-33, column 4, lines 33-65 and column 5, lines 1-7.) The elongated magnetic way of Bonar is spaced apart between a support piece and rigid plates (27, 28) of a support block (13). The rigid plates are attached to the support block by fasteners (19). See Figure 10. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide between the support piece and rigid plate of Anderson with electro magnetic way and a primary of a linear motor thereof as taught by Bonar in order to have a sliding door that operates with no moving parts to reduce sound and to transfer a partial weight of the door upper part to a lower part of the door and sub-floor. With respect to claims 5 and 6, since there is no significant important to the invention of where the magnetic way or the primary is mounted to the rigid plate or the support piece, it would have been an obvious matter of choice of design at the time the invention was made to provide either the support piece or the rigid plate with either the magnetic way or the primary for the operation of the door thus producing no new and unexpected results. With respect to the materials of neodymium and ferrite of the earth elements that are available and well known in the art of magnet per se. Accordingly, it would have been obvious to one of ordinary skill in the art as a matter of engineering design choice to utilize the available earth elements of neodymium and ferrite elements to manufacturing permanent magnet therefrom because it is well-within the level of skill in the art to utilize the known materials accordingly to the elements properties for its suitability of intended use, i.e., neodymium

and ferrite are well known to have high conductive properties and they often use in forming a metal for a desire of conductive purpose.

Response to Arguments

Applicants' arguments filed on January 08, 2004 have been fully considered but they are not deemed to be persuasive.

With respect to applicant's remark to the drawing that a lead line has been added to reference numeral 9 in Figure 1, however, no lead line is found with the reference numeral 9.

With respect to applicants' remark that the lead line of reference numeral 4 has been pull back to indicate a linear rail fails to overcome the objection, in particular, reference numeral 5 referenced a head, see Figures 1, 7, and 9, and reference numeral 18 referenced a bushing, see Figures 1 and 4, and it is unclear to the examiner what other structure shows by the drawings indicates a linear rail.

With respect to applicants' explanation to the elongate primary 15 constitutes a linear motor and magnetic member 16 constitutes the magnetic way are acknowledged and the objection to the claims under 37 CFR 1.83(a) has been removed.

With respect to applicants' remark that the connector 9 described on page 3 in the specification is correct fails to overcome the objection because applicants fail to provide any explanation what constitutes the connector 9 and why it is stand apart from the bracket 8.

With respect to applicants' argument that Bonar fails to teach "a door is attached to and suspended by said connection means, said attraction force cancels at least partially a weight of the door", it should be noted that Figure 10 of Bonar clearly illustrates a door is attached to and suspended by the connection means (31 and 33) and that the attraction force with the connection is clearly cancels at least a weight of the door since the door is hanging from the connection means such that the entire weight of the door is not support by a bottom rail. Further, it should be noted that Bonar has been applied for the teaching of an electro magnetic linear motor and obviousness cannot be established by attacking references individually when a rejection is based on a combination of references.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437.

The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group before a final Office action is (703) 872-9306 and after a final Office action is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 31, 2004

Khoa Tran



Alvin Chin-Shue
Primary Examiner